

**Amendment and Response**

Applicant: Franz Kreupl et al.

Serial No.: 10/587,062

Filed: August 19, 2008

Docket No.: I433.236.101/14083

Title: SEMICONDUCTOR POWER SWITCH HAVING NANOWIRES (As Amended)

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**REMARKS**

The following remarks are made in response to the Non-Final Office Action mailed November 23, 2011. Claims 41-44 have been withdrawn from consideration. Claims 1-22 have been previously cancelled. Claims 23-33, 37-39, and 45 were rejected. Claims 34-36 and 40 have been objected to. With this Response, claims 23, 24, 27, 28, 33, 35, 38, 40, and 45 have been amended, and claims 26 and 34 have been cancelled without prejudice. Claims 23-25, 27-33, 35-40, and 45 remain pending in the application and are presented for reconsideration and allowance.

**Specification**

The Examiner objected to the title of the invention for not being descriptive.

The title of the invention has been amended to be indicative of the invention to which the claims are directed. Accordingly, Applicants submit that the above objection to the title should be withdrawn.

**Claim Rejections under 35 U.S.C. § 112**

The Examiner rejected claims 24 and 33 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Claims 24 and 33 have been amended to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Accordingly, Applicants submit that the above rejection of claims 24 and 33 under 35 U.S.C. § 112, second paragraph, should be withdrawn.

**Claim Rejections under 35 U.S.C. § 102**

The Examiner rejected claims 23-33, 37, 38, and 45 under 35 U.S.C. § 102(c) as being anticipated by Roesner et al., U.S. Patent No. 6,740,910 ("Roesner").

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Independent claims 23 and 45 have been amended to include the features recited by dependent claims 26 and 34, which the Examiner indicated would be allowable if rewritten in independent form.

In view of the above, Applicants submit that the above rejection of independent claims 23 and 45 under 35 U.S.C. § 102(e) should be withdrawn. Dependent claim 26 has been cancelled. Dependent claims 24, 25, 27-33, 37, and 38 further define patentably distinct independent claim 23. Accordingly, for at least the reasons remarked above with reference to independent claim 23, Applicants believe that these dependent claims are also allowable over the cited reference. Therefore, allowance of claims 23-25, 27-33, 37, 38, and 45 is respectfully requested.

**Claim Rejections under 35 U.S.C. § 103**

The Examiner rejected claim 39 under 35 U.S.C. § 103(a) as being unpatentable over Roesner in view of Duan et al., U.S. Patent No. 7,067,867 (“Duan”).

Dependent claim 39 further defines patentably distinct independent claim 23. Accordingly, for at least the reasons remarked above with reference to independent claim 23, Applicants believe that this dependent claim is also allowable over the cited references. Therefore, allowance of claim 39 is respectfully requested.

**Allowable Subject Matter**

The Examiner objected to claims 34-36 and 40 for being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

As remarked above, dependent claim 34 has been rewritten in independent form as amended independent claim 23, and dependent claim 34 has been cancelled. Dependent claims 35, 36, and 40 further define patentably distinct independent claim 23. Accordingly, for at least the reasons remarked above with reference to independent claim 23, Applicants believe that these dependent claims are also allowable over the cited references. Therefore, allowance of claims 35, 36, and 40 is respectfully requested.

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**CONCLUSION**

In view of the above, Applicants respectfully submit that pending claims 23-25, 27-33, 35-40, and 45 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 23-25, 27-33, 35-40, and 45 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 50-0471.

Please consider this a Petition for Extension of Time for a sufficient number of months to enter these papers, if appropriate. At any time during the pendency of this application, please charge any additional fees or credit overpayment to Deposit Account No. 50-0471.

The Examiner is invited to contact the Applicants' representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to Steven E. Dicke at Telephone No. (612) 573-2002, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Date: February 8, 2012  
SED:kmh

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